position permitting movement of the adjustment pole relative to the base pole, wherein the release is made of a corrosion resistant material.

Please cancel claims 54, and 58 - 82.

REMARKS

Introduction

The Examiner is thanked for the courtesies extended during the phone interview of September 16, 2002. During the interview, claim 9 was discussed and the substance of the discussion is embodied herein.

Claim Objections

Claim 54 was objected to for being of improper dependent form. Claim 54 has been cancelled. Claims 4, 28, 29, 30, 31, 33, and 35 were objected to for informalities. Claims 4, 28, 29, 30, 31, and 33 have been amended. Each of claims 4, 28, 29, 30, 31, 33, and 35 is believed to be in condition for allowance. Such allowance is respectfully requested.

§112 Objections

The examiner rejected claim 12 in the official action of August 5, 2002 stating, "Regarding claim 12, lines 9-10, 'second assembly lengthening direction' is vague and indefinite since it implies there's 'a first assembly lengthening direction'." To clarify the claim and expedite prosecution of the application, Applicant has amended the claim to require "a second direction" and that "the force exerted on the adjustment pole in the second direction urges the lengthening of the assembly." Applicant notes that this amendment does not narrow the claim, but rather clarifies a limitation which was already present inherently if not literally. Removal of the objection is respectfully requested.

Claims 25, 27, and 30 have been amended to state first and second positions of the lock member that are consistent with the other pending claims. Applicant again notes that

such amendments do not narrow the claim in that the notation of first or second is arbitrary and the amendment was made simply for the sake of consistency throughout the claims. Removal of the objection is respectfully requested.

Prior Art Rejections

U.S. Patent 5,629,074

Claims 9 and 38 – 42 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,629,074 to Toder (hereinafter "Toder"). Toder relates to an Intravenous Container Support. Toder discloses an intravenous fluid container carrier 20 including an elongated hollow tubular shell 21 within which is positioned an extension rod 22. The upper end of the extension rod 22 terminates in a hanger loop 23 configured to be hung from a ceiling track 25. The carrier 20 further includes an extension rod locking mechanism. The locking mechanism includes an L-shaped actuating rod 37, a friction lock plate 47 that allows the rod 37 to be disposed in a slot 46 therein. A lower end of the extension rod 22 is coupled to an extension spring 50 that biases the extension rod 22 downward into the tubular shell 21.

The extension rod 22 is frictionally wedge locked by the lock plate 47 against moving upward out of the tubular shell 21. To release the lock, a user pulls downward on a locking actuator exterior ring 36 which causes the actuating rod 37 to be moved downward to thereby pull the friction locking plate 47 down into a horizontal position. This allows the extension rod 22 to slide upward out of the shell 21 against the restraining force of the extension spring 50. The ring 36 is released when the carrier 20 is at the desired extension to immediately cause the friction lock plate 47 to wedge lock the extension rod 22 against further movement.

The extension rod 22 is withdrawn back into the tubular shell 21 by simultaneously pulling down on the actuator ring 36 and lifting the shell 21.

1. Claim 9

In the August 5, 2002 Office Action, the Examiner stated:

> "Toder's device does disclose a position of the lock member in which relative movement between a first member and second member is allowed in a first direction (**as well as a second direction**) and prevented in a second direction (**as well as a first direction**)." (emphasis placed by Examiner).

Twice amended claim 9 requires "the lock member having a second position in which the edge engages the second member to prevent movement of the second member relative to the first member in the first direction... the second position being configured to allow movement of the second member relative to the first member in the second direction." The most logical reading of he Examiner's rejection states that Toder discloses a *first* position of lock plate 47 in which relative movement between a first member and second member is allowed in a first direction (**as well as a second direction**) and that Toder discloses a *second* position of the lock plate 47 in which relative movement between a first member and second member is prevented in a second direction (**as well as a first direction**). Clearly, this is the only logical interpretation because it is not possible for the same lock position to allow movement in the first and second direction and to also prevent movement in the first and second direction.

As stated above, amended claim 9 requires "the lock member having a second position in which the edge engages the second member to prevent movement of the second

member relative to the first member in the first direction... the second position being configured to allow movement of the second member relative to the first member in the second direction." Claim 9 requires that the second position of the lock member both prevent movement in the first direction and allow movement in the second direction and this is a limitation Toder does not disclose, teach, or suggest. Furthermore, Examiner Chan agreed during the phone interview of September 16, 2002 that this was a limitation not taught by Toder. Therefore, the Applicant believes that claim 9 is presented in condition for allowance and respectfully requests reconsideration of claim 9 with respect to Toder. It is further noted that the amendment to claim 9 made by this response is an amendment as to form only. The limitation previously embodied in the last line of claim 9 has been moved up within the claim to be closer to other limitations dealing with the second position of the lock member for ease of understanding. The first amendment to claim 9 likewise was only as to form by putting the previously dependent claim 9 into independent form. Therefore, it should be appreciated that claim 9 has not been narrowed or changed in scope at any time during prosecution.

2. Claims 38 - 42

Claims 38 – 42 depend from claim 9. Because claim 9 is believed to be allowable, claims 38 – 42 are also believed to be allowable. Additionally, claims 38 – 42 are believed to contain independently patentable features.

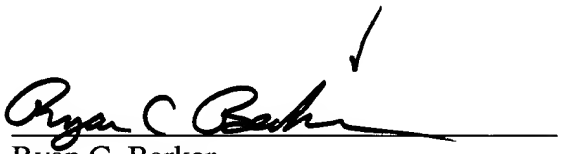
Final Remarks

Applicants believe this application is in condition for allowance in its present form and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. The Examiner is asked to call Applicants' attorney, Ryan C. Barker, at (317)

684-5295 to address any outstanding issues to further expedite the prosecution of this application for all parties.

If necessary, Applicants request that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,



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Attachment A

4. (Amended) The medical device support of claim 3, wherein the lock [device] member is pivotably coupled to the housing.

9. (Twice Amended) A medical device support apparatus comprising

a telescoping pole assembly including a first member and a second member movable relative to the first member along an axis in a first direction and a second direction opposite to the first direction, and

a lock member formed to include an edge defining an aperture, the second member being received in the aperture, the lock member having a second position in which the edge engages the second member to prevent movement of the second member relative to the first member in the first direction, movement in the first direction causing the pole assembly to shorten, when in the second position the lock member being configured to allow movement of the second member relative to the first member in the second direction, the lock member having a first position in which the edge disengages from the second member so that the second member is movable along the axis relative to the first member in the first direction and the second direction, the movement in the second direction causing the pole assembly to elongate[, and the lock member, when in the second position, being configured to allow movement of the second member relative to the first member in the second direction].

12. (Twice Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to support the medical device thereon, and

a lock member coupling the adjustment pole to the base pole, the lock member being moveable between a first position permitting movement of the adjustment pole relative to the base pole and a second position locking the position of the adjustment pole relative to

the base pole, the lock member being substantially flat to define a plane, the lock member being configured such that a force exerted on the adjustment pole in a second[, assembly lengthening,] direction urges the lock member to the first position, and the force exerted on the adjustment pole in the second direction urges the lengthening of the assembly.

25. (Twice Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to move relative to the base pole, the adjustment pole having a longitudinal axis,

a lock member positioned to block relative movement of the adjustment pole and the base pole, the lock member being configured to pivot about a pivot axis between a first position [blocking] permitting relative movement and a second position [permitting] blocking relative movement,

a release having a first position and a second position, the [first] second position of the release configured to position the lock member in the [first] second position of the lock member, and

a spring contacting the release and urging the release to the [first] second position.

27. (Twice Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to move relative to the base pole, the adjustment pole having a longitudinal axis,

a lock member positioned to block relative movement of the adjustment pole and the base pole, and

a housing sized to receive the lock member, the lock member being hingedly coupled to the housing, the lock member being configured to pivot about a pivot axis between a first position [blocking] permitting the relative movement and a second position [permitting] blocking the relative movement, the pivot axis deviating from the longitudinal axis of the adjustment pole, the housing including a groove sized to receive an end of the lock member.

28. (Amended) The medical device support assembly of claim 26, [further comprising a] wherein the release is configured to pivot the lock member between the first and second positions[, wherein] and the lock member is hingedly coupled to the release [member].

29. (Twice Amended) The medical device support assembly of claim 25, [further comprising a] wherein the release is configured to pivot the lock member between the first and second positions[, wherein] and the lock member is hingedly coupled to the release [member].

30. (Twice Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to move relative to the base pole, the adjustment pole having a longitudinal axis,

a lock member positioned to block relative movement of the adjustment pole and the base pole, and

a release configured to pivot the lock member between [the] first and second positions, the lock member being hingedly coupled to the release member, the lock member being configured to pivot about a pivot axis between a first position [blocking] permitting the relative movement and a second position [permitting] blocking the relative movement, the pivot axis deviating from the longitudinal axis of the adjustment pole, the release including a notch sized to receive an end of the lock member.

31. (Twice Amended) A medical support device assembly configured to support a medical device thereon, the medical support device assembly comprising

a base pole,

an adjustment pole configured to support the medical device thereon, the base pole and the adjustment pole cooperating to define a pole assembly length, the adjustment pole being configured to move in a first direction relative to the base pole to decrease the pole assembly length and a second direction relative to the base pole to increase the pole assembly length,

a coupling configured to couple the adjustment pole to the base pole to permit the adjustment pole to move in first direction relative to the base pole and an opposite second

direction relative to the base pole, the coupling, the base pole, and the adjustment pole being made of corrosion resistant materials to prevent substantial corrosion thereof, and

a release configured to slide on the [housing] coupling.

33. The medical device support of claim 32, wherein the [coupling further includes a] release is positioned to move the lock member between a locked position and an unlocked position permitting movement of the adjustment pole relative to the base pole, wherein the release is made of a corrosion resistant material.